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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,063	02/04/2002	Kenji Takahashi	1232-4814	2514
27123	7590	05/05/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P.			JERABEK, KELLY L	
3 WORLD FINANCIAL CENTER			ART UNIT	
NEW YORK, NY 10281-2101			PAPER NUMBER	

2612

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,063

Applicant(s)

TAKAHASHI

Examiner

Kelly L. Jerabek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-12 and 16-18 is/are rejected.
- 7) ☐ Claim(s) 4-6 and 13-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/21/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

Claims 1-3, 5, 7-12, 14, and 16-18 rejected under 35 U.S.C. 102(e) as being anticipated by Saeki US 6,831,696.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Re claim 1, Saeki discloses in figure 3 an image pickup apparatus including an image pickup element such as a CCD (104) (col. 3, lines 20-27). The image pickup apparatus also includes an exposure controller (113) that performs exposure control by selectively using a first exposure control mode (mode corresponding to (a2-a1) being larger than threshold value (z)) in which an exposure value is determined in accordance

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with the brightness of the object images repetitively sensed by the image sensing unit (exposure target value Y_r is set by equation (1) (col. 4, lines 31-38) and a second exposure control mode (mode corresponding to $(a2-a1)$ being smaller than threshold value (z)) in which an exposure value is determined by performing exposure control using a plurality of preset exposure values (exposure target value Y_r is set to a prescribed value r which varies depending on the characteristics of the image pickup apparatus) (col. 4, lines 20-30).

Re claim 2, Saeki discloses that the exposure controller (113) determines whether to perform the exposure control by suing the exposure value determined in either the first exposure control mode or by using the exposure value determined in the second exposure control mode on the basis of an exposure correction value $(a2-a1)$ (col. 4, lines 11-55).

Re claim 3, see claim 2. If the exposure controller (113) determines in step 505 that the value of $(a2-a1)$ is smaller than the threshold value z , the exposure controller (113) sets the exposure target value Y_r to a prescribed value (r) (preset exposure value) (col. 4, lines 11-55).

Re claim 7, Saeki states that after setting the appropriate target value Y_r the exposure controller (113) controls the iris (103), the shutter, and the AGC (16) on the

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basis of the exposure state so that exposure equals the appropriate target value (Yr) (steps 508-511) (col. 4, lines 49-55).

Re claim 8, the CCD (104) is an image sensing apparatus.

Re claim 9, Saeki discloses in figure 3 an image pickup apparatus (digital camera) including a CCD (104) for sensing a still or a moving image (col. 3, lines 20-36).

Re claim 10, see claim 1.

Re claim 11, see claim 2.

Re claim 12, see claim 3.

Re claim 16, see claim 7.

Re claims 17 and 18, Saeki states that the invention may include a case in which program codes or software for achieving the functions of the above embodiments are supplied to various devices to operate these devices in accordance with programs stored in a CPU (col. 6, lines 37-55).

Allowable Subject Matter

Claims 4-6 and 13-15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fail to anticipate or render obvious the following technical features as recited in the highlighted claims:

Re claims 4 and 13, the prior art fails to teach or suggest " an exposure controller ...wherein if the exposure correction value obtained in the first exposure control mode is smaller than the predetermined value, said exposure controller performs the exposure control for photographing by using the exposure value determined in the first exposure control mode, and, if the exposure correction value obtained in the first exposure control mode is larger than the predetermined value, said exposure controller performs the exposure control for photographing by using the exposure value determined in the second exposure control mode".

Re claims 5-6 and 14-15, the prior art fails to teach or suggest "an exposure controller ...wherein on the basis of whether an absolute value of an exposure

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correction value obtained in the first exposure control mode is smaller than a predetermined value, said exposure controller determines whether to perform the exposure control for photographing by using the exposure value determined in the first exposure control mode or by using the exposure value determined in the first exposure control mode or by using the exposure value determined in the second exposure control mode”.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takahashi et al. (US 6,630,960) discloses an image pickup device. The information regarding controlling exposure for different photographing modes is relevant material.

Tamura et al. (US 5,959,670) discloses an image pickup apparatus with exposure control correction. The information regarding controlling exposure based on a predetermined reference level is relevant material.


Kidono et al. (US 2002/0186313) discloses an automatic exposure control apparatus and method. The information regarding using a target value to determine exposure conditions is relevant material.

Tsuji et al. (US 5,223,935) discloses an electronic camera with automatic exposure control. The information regarding exposure control is relevant material.

Tamura (US 6,618,091) discloses an image pickup apparatus having image signal state adjusting means and a response characteristic of which is controlled in accordance with image magnification rate. The information regarding varying response characteristic of an exposure control device is relevant material.

Takei (US 5,510,837) discloses an automatic exposure control device performing weighted light measurement. The information regarding exposure control is relevant material.

Kawahara (US 5,459,512) discloses an image pickup apparatus with automatic and manual exposure control. The information regarding exposure control is relevant material.


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